

21 C.J.S. Courts § 34

Corpus Juris Secundum | May 2023 Update

Courts

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II. Jurisdiction of Courts

C. Jurisdiction of Subject Matter or Cause of Action

2. Amount in Controversy Within Subject Matter Jurisdiction

b. Determination of Amount in Controversy Within Subject Matter Jurisdiction

§ 34. Joined demands or actions included as amount
in controversy for subject matter jurisdiction

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

West's Key Number Digest, [Courts](#)  121(4), 169(3)

The amounts involved in causes of action which cannot properly be joined in one action cannot be aggregated for the purpose of determining the court's jurisdiction, but causes of action properly joined can be aggregated.

When claims are properly consolidated or joined, the amount in controversy is the aggregate amount of all of the causes of action properly joined.¹ The test is whether the demands from their nature or character are joint or composite, or are in some way related to each other, or arise out of the same transaction, circumstance, or occurrence.² An identifying characteristic of a common and undivided interest that may be aggregated for jurisdictional purposes is that if one plaintiff cannot or does not collect that plaintiff's share, the shares of the remaining plaintiffs are increased.³ If

one plaintiff asserts multiple claims against one defendant, the amounts of each separate claim are aggregated to determine the amount in controversy for jurisdictional purposes.⁴

In contrast, claims cannot be aggregated to confer jurisdiction if they are separate and distinct,⁵ or cannot be joined,⁶ as when the claims are not related to one another or do not arise from the same transaction or circumstances or occurrence, such as separate, unrelated, distinct, and wholly independent demands on promissory notes given for wholly unrelated and separate items of indebtedness, with nothing in the notes or in the pleadings to show a composite or other relation between the notes given at different times.⁷ In a suit is brought against several defendants, asserting claims against each of them which are separate and distinct, the test of jurisdiction is the amount of each claim and not their aggregate.⁸

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Footnotes

1 Fla.—[Ben-David v. Education Resources Institute, Inc.](#), 974 So. 2d 1138, 230 Ed. Law Rep. 111 (Fla. 3d DCA 2008).

Ky.—[National Check Bureau, Inc. v. Irby](#), 229 S.W.3d 913 (Ky. Ct. App. 2007).

N.Y.—[Bay Crest Ass'n v. Paar](#), 47 Misc. 3d 9, 4 N.Y.S.3d 812 (App. Term 2015).

Tex.—[VIA Metropolitan Transit Authority v. Barraza](#), 2013 WL 6255761 (Tex. App. San Antonio 2013), review denied, (Mar. 7, 2014).

A.L.R. Library

Aggregation of Claims of Two or More Plaintiffs to Determine Amount in Controversy Under 28 U.S.C.A. s1332—Relationship of Plaintiffs Based on Other Than Purchase or Use of Same or Similar Product or Service, 49 A.L.R. Fed. 2d 39.

Aggregation of Claims of Two or More Plaintiffs to Determine Amount in Controversy Under 28 U.S.C.A. s1332—Relationship of Plaintiffs Based on Purchase or Use of Same or Similar Product or Service, 48 A.L.R. Fed. 2d 307.

Aggregation of Claims of One Plaintiff Against One Defendant to Determine Amount in Controversy Under 28 U.S.C.A. s 1332, 187 A.L.R. Fed. 139.

Aggregation of Claims of One Plaintiff Against Two or More Defendants to Determine Amount in Controversy Under 28 U.S.C.A. s 1332, 186 A.L.R. Fed. 321.

Federal District Court's jurisdiction over claim not exceeding minimum jurisdictional amount, where such claim is asserted in same action as claim exceeding minimum jurisdictional amount, 2 A.L.R. Fed. 855.

2 Fla.—[Johnson v. Plantation General Hosp. Ltd. Partnership](#), 641 So. 2d 58 (Fla. 1994).

3 Haw.—[Fisher v. Grove Farm Co., Inc.](#), 123 Haw. 82, 230 P.3d 382 (Ct. App. 2009).

4 Ill.—[Benson v. Abbott](#), 326 Ill. App. 3d 599, 260 Ill. Dec. 571, 761 N.E.2d 754 (3d Dist. 2001), as modified on other grounds on denial of reh'g, (Jan. 22, 2002).

Tex.—[Haas v. Ashford Hollow Community Improvement Ass'n, Inc.](#), 209 S.W.3d 875 (Tex. App. Houston 14th Dist. 2006).

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N.Y.—*Utica Mut. Ins. Co. v. Lynton*, 31 Misc. 3d 804, 918 N.Y.S.2d 332 (Dist. Ct. 2011).

Tex.—*French v. Moore*, 169 S.W.3d 1 (Tex. App. Houston 1st Dist. 2004).

Simultaneous but clearly divisible multiple claims

N.Y.—*A & J Enterprise Solutions, Inc. v. Business Applications Outsourcing Technologies, Inc.*, 11 Misc. 3d 173, 812 N.Y.S.2d 226 (Dist. Ct. 2005).

Derivative claim as separate

La.—*Russell v. Shelter Mut. Ins. Co.*, 38 So. 3d 561 (La. Ct. App. 3d Cir. 2010), writ denied, 45 So. 3d 1075 (La. 2010).

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Fla.—*Ben-David v. Education Resources Institute, Inc.*, 974 So. 2d 1138, 230 Ed. Law Rep. 111 (Fla. 3d DCA 2008).

Haw.—*Fisher v. Grove Farm Co., Inc.*, 123 Haw. 82, 230 P.3d 382 (Ct. App. 2009).

Ohio—*State ex rel. Bridge v. Franklin Cty. Court of Common Pleas*, 2011-Ohio-6561, 2011 WL 6650746 (Ohio Ct. App. 10th Dist. Franklin County 2011), judgment aff'd, 132 Ohio St. 3d 494, 2012-Ohio-3327, 974 N.E.2d 102 (2012).

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Fla.—*Ben-David v. Education Resources Institute, Inc.*, 974 So. 2d 1138, 230 Ed. Law Rep. 111 (Fla. 3d DCA 2008).

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Haw.—*Fisher v. Grove Farm Co., Inc.*, 123 Haw. 82, 230 P.3d 382 (Ct. App. 2009).

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